

# SENATE BILL No. 31

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-16.1.

**Synopsis:** Probate code study commission. Establishes the probate code study commission (commission). Requires the commission to study and recommend to the general assembly changes that are needed in the probate code (IC 29-1), the trust code (IC 30-4), and other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries. Provides for the governor to appoint 11 lay members, including two residents of Indiana who work in the trust department of a bank, trust company, savings institution, or credit union, for the president pro tempore of the senate to appoint three members from the senate, and for the speaker of the house of representatives to appoint three members from the house of representatives. Provides that a legislative or lay member serves a term of two years and may be reappointed to the commission. Provides for the president pro tempore of the senate to appoint a chairperson and vice chairperson in even-numbered years and for the speaker of the house to appoint a chairperson and vice chairperson in odd-numbered years.

**Effective:** July 1, 2016.

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January 5, 2016, read first time and referred to Committee on Civil Law.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 31

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 2-5-16.1 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]:

4       **Chapter 16.1. Probate Code Study Commission**

5       **Sec. 1. (a) As used in this chapter, "commission" refers to the**  
6 **probate code study commission established by section 2 of this**  
7 **chapter.**

8       **(b) As used in this chapter, "interim period" means the part of**  
9 **a year that:**

10       **(1) begins immediately after the day on which a regular**  
11 **session of the general assembly adjourns sine die; and**

12       **(2) ends immediately before the day on which the next regular**  
13 **session of the general assembly convenes.**

14       **(c) As used in this chapter, "lay member" means a member of**  
15 **the commission who is appointed under section 3(a)(1) or 3(a)(2) of**  
16 **this chapter.**

17       **(d) As used in this chapter, "legislative member" means a**



1 member of the commission who is appointed under section 3(a)(3)  
2 or 3(a)(4) of this chapter.

3 Sec. 2. The probate code study commission is established.

4 Sec. 3. (a) The commission has the following members:

5 (1) Nine (9) members appointed by the governor, each of  
6 whom must reside in a separate Indiana congressional  
7 district.

8 (2) Two (2) additional members appointed by the governor  
9 who are residents of Indiana and work in the trust  
10 department of a bank, trust company, savings institution, or  
11 credit union chartered and supervised under IC 28 or federal  
12 law.

13 (3) Three (3) members appointed by the president pro  
14 tempore from among the members of the senate, not more  
15 than two (2) of whom may be affiliated with the same political  
16 party.

17 (4) Three (3) members appointed by the speaker from among  
18 the members of the house, not more than two (2) of whom  
19 may be affiliated with the same political party.

20 (b) If a legislative member of the commission ceases to be a  
21 member of the chamber from which the member was appointed,  
22 the person ceases to be a member of the commission.

23 (c) Subject to subsection (d), the term of a member is two (2)  
24 years. A member of the commission may be reappointed to the  
25 commission.

26 (d) Upon the expiration of the two (2) year period for which a  
27 member was appointed, the term of the member continues until:

28 (1) the member is reappointed under subsection (c); or

29 (2) a successor to the member is appointed under subsection  
30 (a).

31 (e) A vacancy on the commission shall be filled by the original  
32 appointing authority.

33 Sec. 4. The commission may meet and take action only during  
34 an interim period.

35 Sec. 5. (a) For the interim period beginning in calendar year  
36 2016, and for the interim period beginning in every even-numbered  
37 calendar year thereafter, the president pro tempore shall appoint:

38 (1) a chairperson; and

39 (2) a vice chairperson;

40 from among the commission's legislative members.

41 (b) For the interim period beginning in calendar year 2017, and  
42 for the interim period beginning in every odd-numbered calendar



year thereafter, the speaker shall appoint:

(1) a chairperson; and

(2) a vice chairperson;

from among the commission's legislative members.

(c) A legislative member appointed under subsection (a) or (b) serves as chairperson or vice chairperson for a term of one (1) year.

(d) If the office of chairperson or vice chairperson of the commission becomes vacant, the commission shall elect a legislative member of the commission to fill the vacancy.

Sec. 6. (a) The number of members constituting a quorum for a meeting of the commission is determined as follows:

STEP ONE: Determine the total number of members serving on the commission.

STEP TWO: Divide the number determined in STEP ONE by two (2). If the number resulting from the division is not a whole number, round it up to the nearest whole number.

STEP THREE: Add one (1) to the number determined under STEP TWO.

(b) For the commission to take any final action, the number of votes in favor of the action must at least equal the number of members constituting a quorum, as determined under subsection (a).

Sec. 7. Subject to applicable statutes and policies established by the legislative council, the commission, by resolution, may:

(1) adopt rules; and

(2) create committees consisting of members of the commission;

that are necessary for the proper conduct of the commission's business.

Sec. 8. Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members and lay members, respectively, on interim study committees established by IC 2-5-1.3-4.

Sec. 9. The legislative services agency shall provide staff support to the commission.

Sec. 10. Funds necessary to carry out this chapter shall be allotted to the commission from funds appropriated to the legislative council.

Sec. 11. Subject to standards set by statute and the policies established by the legislative council, the commission may accept



1 money or services from any public or private source to carry out  
2 this chapter.

3 Sec. 12. The commission shall submit reports in an electronic  
4 format under IC 5-14-6 to the legislative council as and when  
5 requested by the council.

6 Sec. 13. The commission shall carry out a program to study and  
7 recommend to the general assembly changes that are needed in the  
8 following:

9 (1) The probate code (IC 29-1).

10 (2) The trust code (IC 30-4).

11 (3) Other statutes affecting the administration of a decedent's  
12 estate, guardianships, probate jurisdiction, trusts, or  
13 fiduciaries.

14 Sec. 14. The legislative council may refer any issue related to  
15 probate or trusts and fiduciaries to the commission for study. If an  
16 issue is referred to the commission under this section, the  
17 commission shall study the issue and report the results of its study  
18 in an electronic format under IC 5-14-6 to the legislative council as  
19 requested by the legislative council.

